

**Amendments to the drawings:**

Attached hereto is a replacement sheet containing Fig. 4. Fig. 4 has been amended to add the legend – Prior Art – .

**REMARKS**

The present amendment is submitted in response to the Office Action dated March 8, 2006, which set a three-month period for response, making this amendment due by June 8, 2006.

Claims 1-10 are pending in this application.

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims, specifically, the "shutoff mechanism" of claim 11. Fig. 4 was objected to as not including a legend "Prior Art". The disclosure and claims 5, 6, 9, and 10 were objected to for various informalities. Claims 7 and 8 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 10 and 11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-8 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,644,846 to Dörr et al. Claims 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dörr in view of U.S. Patent No. 5,238,884 to Walton II.

In the present amendment, Fig. 4 has been amended to add the legend "Prior Art". Claim 11 has been canceled, thus obviating the objection to the "shutoff mechanism" as not being shown in the drawings.

The specification has been amended to delete reference to the claims and to add standard headings.

The claims have been amended to address the objections and the rejection under 35 U.S.C. 112, second paragraph.

With regard to the rejection of claims 7 and 8 as not being properly enabled under 35 U.S.C. 112, first paragraph, the Applicant respectfully disagrees. Claims 7 and 8 relate to a mechanism that is known from the prior art discussed in the specification. On page 5, the fourth paragraph refers to Fig. 4, which represents the prior art. Therefore, one skilled in the art is familiar with this type of mechanism and as such, a detailed illustration of the knob is not necessary for a complete understanding of the invention, or for making and/or using the invention as disclosed in the specification.

Claim 1 has been amended to add the feature that it is possible to automatically adjust the oscillation stroke smoothly between the maximum and minimum stroke during the sawing process, as *"a function of the pressure of the saw blade (3) against a work piece to be sawn"*, as defined in original claim 2. Claim 2 has been amended accordingly.

Dürr et al do not disclose the present invention as defined in amended claim 1 of the present application. The oscillation mechanism of the present invention is clearly described in the specification on page 7, lines 11-24, where it is explained that the degree of oscillation depends on the force F3 exerted on the saw blade by the work piece to be sawn during the sawing operation. This means that it is not the operator of the sawing machine who adjusts manually the degree of oscillation, e.g., by means of an adjusting knob. Instead, the oscillation mechanism reacts automatically on the force F3 exerted on the saw blade.

In contrast, Durr et al only disclose what has already been described as prior art in the specification of the present application. The Applicant respectfully directs the Examiner's attention to Durr, column 4, lines 5-67, which describes a reciprocating stroke that can be adjusted step-by-step or continuously by means of a rotating knob 25 placed on the housing 1. Depending on the setting of the knob, the reciprocating stroke of the saw blade is modified. This is achieved by providing in the pivoting a fork recess against which a limit stop for restricting the rotating movement of the pivoting fork comes to rest either partially or completely.

Therefore, the reciprocating stroke of Durr et al is not adjustable automatically as a function of the pressure of the saw blade against a work piece to be sawn, as defined in amended claim 1.


Because claim 1 includes features that are not disclosed by Durr et al, the rejection under Section 102 must be withdrawn. A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Clr. 1997).

For the reasons set forth above, the Applicant respectfully submits that claims 1-10 are patentable over the cited art. The Applicant further requests withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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